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Guidelines for a Victim:Dealing with Plagiarism

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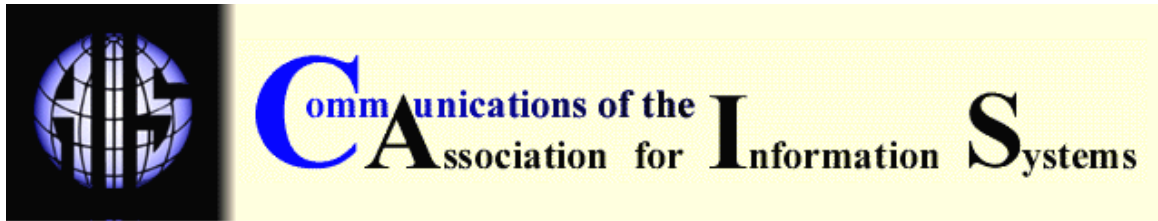
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GUIDELINES FOR A VICTIM: DEALING WITH PLAGIARISM

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ABSTRACT

The subject of this article is how to deal with discovering you have been plagiarized. Each of the following challenges is explained: getting perspective on what may be a stressful and drawn-out process, proving that plagiarism occurred, gathering evidence to establish that you are the true author, dealing with (or not dealing with) the offender, working with your dean or department head to trigger formal and informal complaint mechanisms at the offender's institution, and dealing with the editors involved.

Keywords: plagiarism, academic misconduct, documenting authorship, formal misconduct complaint, editorial processes

I. INTRODUCTION

These guidelines offer advice to victims of plagiarism. Since establishing your true authorship and seeking redress for the harm you have experienced can be a stressful event, you are advised to gain perspective on how seriously you wish to pursue the matter. This perspective may depend on the importance and visibility of the material plagiarized and your own resolve to correct the public record. To press the issue, you will need to undertake an analysis of the plagiarism to develop persuasive evidence that plagiarism has in fact occurred, and gather evidence to authenticate your authorship. Documents required for this purpose are listed in detail. Present this evidence to your dean with a written request that a complaint be registered with the offender's dean and that a formal investigation be undertaken by that institution. In parallel, present this evidence and lodge a similar complaint with the editors of the publications involved. The reader is advised that the process may take months.

Plagiarism is a grievous act in a community in which creating and disseminating knowledge is its distinguishing purpose. Plagiarism is fraud because it involves misrepresenting the ownership of someone else's intellectual property. If you believe you have been plagiarized, there may be no one available with experience to advise you regarding what to do, what not to do, whom to inform, whom not to inform, and so on. In general, you may not know how to trigger the investigatory mechanisms and policies which are in place at most academic institutions to deal with scholarly misconduct.

If you can show that plagiarism has occurred and can "authenticate" your authorship, however, you have reason to expect support from your institutions, and appropriate redress once your case has been dealt with. Institutions -- in this case university employers, journal editors, conference

proceedings editors and publishers -- have a responsibility to investigate impartially all allegations or complaints, levy penalties, provide remedies, and inform all parties concerned. Below we provide some guidelines which may provide you with useful directions.

One difficulty in proposing guidelines to someone dealing with plagiarism is that each case has its own unique characteristics. Plagiarism occurs in many forms ranging from the blatant and obvious through to the subtle and well camouflaged. This range includes boldly expropriating the unedited contents of your entire article through to careful rewriting of your material to hide the source. Other acts may involve fraudulent data manipulation, data theft, and data misrepresentation. Yet other acts may involve the spurious claim to an important or novel idea, even when that idea has been discussed publicly making it very difficult to establish the true "owner". For a full discussion of plagiarism, see [Hexham, 1999]

A second problem in proposing such advice is that each of us has a different propensity for confrontation and "doing battle". One person may prefer a highly aggressive approach while another may prefer to proceed in a quiet, low-profile, non-confrontational manner. One individual may wish to exact the severest penalty possible, including financial compensation, whereas another may be satisfied with an apology and a restorative remedy.

Last, plagiarism is highly difficult to define because of the range of commonly accepted practices which developed within particular disciplines and also because significant legal, cultural and attitudinal differences exist throughout the world. Whose standard should prevail when practices are diametrically opposed? These and other realities preclude the development of a single approach suitable in every case. The guidelines proposed herein acknowledge a North American perspective on ethical behavior and assume the existence of university mechanisms to deal with academic misconduct. Your circumstances may be different and you are advised to draw upon these guidelines as you see fit. Guidelines on ethical scholarly behavior are presented in CAIS Volume 13, Article 2 [AIS Research Conduct Committee, 2004]

II. PRINCIPAL TASKS IN DEALING WITH A PLAGIARIST

1. GET SOME PERSPECTIVE

Dealing with a plagiarist may be stressful and unpleasant but the odds are on your side if you can prove your case. You need to undertake a realistic assessment of the seriousness of the plagiarism and how important redress is to you before proceeding.

Victims report that dealing with plagiarism can be a stressful and unnerving experience. In an effort to fight back, an accused plagiarist may counter-claim original authorship, arguing that you are the plagiarist, thereby forcing you to defend yourself. You may become the person scrambling to find evidence that you are the original author. The accused plagiarist may also threaten legal action which, though completely without foundation, may intimidate you sufficiently that you drop the allegation. Overall, emotions such as frustration, anger, and general anxiety may be inherent in the situation.

But however stressful the situation may be for you as the victim, take comfort from the fact that the pressure on the plagiarist is far greater. First, it is likely that you possess evidence such as email messages, letters from reviewers/editors and other forms of documentation that can show you are the original author. This evidence is news any plagiarist would be very unhappy to hear about. Furthermore, for an academic found guilty of plagiarism, the range of consequences may include loss of employment, significant legal costs, legal judgments (as in copyright infringements) and general public humiliation and embarrassment. The serial plagiarist will also have to worry that all previous publications including the doctoral dissertation are likely to come under close scrutiny with the possibility of the degree itself being revoked. These are severe psychological pressures with which to deal.

The discussion above may lead you to conclude that faced with such disastrous penalties, the plagiarist may respond very aggressively, going to whatever lengths are necessary to defend against the accusation. In fact, a plagiarist is at least as likely, sooner or later, to recognize the futility and weakness of his/her position, and the devastating consequences of a high profile defeat. The plagiarist is more likely to attempt to resolve the situation and minimize the damage. Depending on the circumstances, the plagiarist may attempt to work out some kind of accommodation and remedy, but failing this and in an extreme case, may simply resign and quietly leave the university. Departments with an eye to their own reputation and with an understandable desire to avoid an enormously time-consuming investigation may be willing to acquiesce in, or even bring about, this face saving gesture. Unfortunately, such a resolution may not be entirely satisfactory to you as the victim since no apology may be forthcoming, no public admission of guilt offered, and no financial restitution provided. You may have to be content with little more than a paragraph in the publication outlet in which the plagiarism occurred giving you credit as the original author though you may also be able to take satisfaction from removing a plagiarist from the academic scene.

In general, the perspective you should adopt as a victim is that asserting your true and deserved authorship is indeed stressful, but you are likely to succeed. "Success" however may consist of little more than a public correction. Thus, before you decide to proceed, try to think through the consequences on both sides, and the minimum remedy you are willing to accept. Factors you need to consider are the importance of your plagiarized research, prominence of the publication outlets involved, and how egregious the plagiarism was. As plagiarism occurs in degrees of severity, public profile, and importance, so, too, may be the consequences to you as a complainant. Ultimately, you have to decide how important is it to you, what remedy will be satisfactory, what punishment you feel fits the crime, and the likely outcome for both yourself and your transgressor.

2. ESTABLISH THE PLAGIARISM

As a first step, you need to prove that you have been plagiarized. Compare in detail the work of the suspected plagiarist with your own and carefully document the evidence.

Before you allege plagiarism, either publicly or privately, be absolutely certain your case is convincing. This certainty may pose little difficulty when an entire article or substantial chunks of your text were used unaltered. But failing this, judgment comes into play and the less obvious the plagiarism, the more difficult it may be for you to make a convincing case to others. You may find it necessary to undertake a paragraph-by-paragraph analysis of the suspected plagiarism against your own publication, tallying the commonalities and even watching for unique phrases or expressions which appear in both articles. Tables, charts, graphs, and an analysis of the references may provide you with further evidence, especially if these are unique in particular ways.

Chronicle each piece of evidence, large and small, and satisfy yourself both that plagiarism has occurred and that your evidence will be convincing enough that others will agree with you. You may wish to show your evidence to a trusted colleague, someone with a mature perspective and your best interests at heart. The more emotional you are about the situation, the less likely you are to be objective and realistic about your case.

3. DOCUMENT YOUR AUTHORSHIP

Your next step is to prove that you are the original author and not the plagiarist! Early drafts and dated messages with correspondents, editors and reviewers are particularly effective in making your case.

Remind yourself that your comparison of one article with another may only tell others that someone committed plagiarism, but it may not clearly show who. Your next step then is to focus on amassing evidence to show that you are the original author. We believe that the more

overwhelming and convincing you are at the outset, the more readily sympathetic and supportive others will be toward your case. The stronger your initial evidence, the greater the pressure that may be brought to bear on the plagiarist to resolve the situation.

The challenge of proving that you are the real author will depend on the circumstances of your case. You may believe it may be relatively easy to establish your authorship if a close version of your work appears in print some time after your original piece was published. But you may still have to refute the claim that it was you who plagiarized the work from an earlier unpublished working paper of the other author. All in all, you must use sensible judgment as to what is required to establish your authorship.

Some of the documents you may gather could include the following:

- photocopies of both your original article and the article in which the plagiarism has taken place;
- your acceptance letter from the editor;
- editor's initial feedback and reviewers' comments on the initial submission;
- rejection letters and reviewer comments if the article was submitted elsewhere before being submitted to the journal in which it was published;
- any initial submitted drafts;
- related working papers, conference proceedings and research grants;
- letters of agreement with organizations regarding data collection;
- email correspondence with editors;
- email correspondence with co-authors;
- email correspondence with colleagues and pre-submission readers of your articles;
- affidavits from academic colleagues with whom you may have discussed this work;
- affidavits from business contacts in organizations in which you collected data or conducted field interviews;
- your doctoral dissertation and associated documentation (if you or the plagiarizer drew upon your dissertation)

Dated materials are particularly important in this situation since they can serve as the strongest evidence of your original authorship. But even your analysis to establish plagiarism may assist you here. For example, one victim's bibliography cited an obscure foreign-language source which was highly unlikely to be available to the alleged plagiarist. This proved to be a strong piece of evidence that the plagiarist could not be the original author.

The above discussion suggests in the first instance that an excellent defensive measure against a future act of plagiarism is to conscientiously maintain a paper trail. Set up a file and accumulate in it all documentation related to your research and each publication. For computer files, save and back up early drafts. But failing this, and especially if the important documents such as editorial correspondence are missing, you may be able to request copies from the editors in question. Unfortunately, as editors serve for only a few years and may well destroy documents pertaining to their service at the end of their term, copies of such correspondence may be unavailable.

4. NOTIFY YOUR ADMINISTRATIVE HEAD

Avoid direct contact with the plagiarist. Meet with your dean and present the evidence that you were plagiarized. Ask your dean to formally contact the plagiarist's dean and request a formal investigation or immediate resolution.

It may be unwise for you to directly contact, or agree to be contacted by the alleged plagiarist. Doing so may expose you to threats of legal action, pleadings for sympathy and understanding, or otherwise bring you into a relationship with the plagiarizer which may affect your ability to behave in your best interests. Instead, if you have your institution act on your behalf, you have its legal protection, provided you acted in "good faith". For these reasons, and the general perception in the legal community that pursuing damages for plagiarism is not worthwhile, there may be limited value, if any, in obtaining private legal counsel to seek protection or pursue damages. In general, your main objective at this stage is to have your dean bring pressure on the plagiarizer by registering a formal complaint with the plagiarist's dean while you stay out of the direct line of fire.

Hence, as the next step in moving forward, meet with your dean and department head (or equivalent) and request their assistance. Present the evidence you have gathered regarding the plagiarism and your proof of original authorship. This formal request for assistance should also be made to the dean in writing. Make no direct accusation no matter how strong your evidence. Simply point out the facts including the similarities between the publications involved and the evidence regarding your original authorship.

As suggested earlier, keep in mind that the dean may never have dealt with plagiarism previously and may be unclear as to how to proceed. But at most institutions policies and procedures are in place to deal with all forms of academic misconduct including plagiarism. Establish that these rules exist at your university or college in advance of your meeting. By making your dean aware of your university's procedures, you will serve to educate the dean that similar mechanisms will likely exist at the institution of the alleged plagiarist, and that such mechanisms can be triggered if the dean lodges a complaint with the plagiarist's dean. Suggest also to your dean the wisdom of discussing the matter with the academic vice president of your University as well as the University's legal counsel before lodging the complaint.

The dean's complaint letter must draw upon your evidence of the alleged plagiarism and your original authorship. The letter must contain sufficient evidence, and suggest that other evidence is available, to convince the plagiarist's dean that an investigation is in order. The dean's letter should also indicate the remedy you seek, i.e., a letter of apology, a letter notifying the respective journal editors, and so on. There is little purpose in suggesting internal punishments, including dismissal, as these will be mandated by the respondent's (i.e., the alleged plagiarist's) university policies. Your dean will have to exercise some judgment as to the most convincing evidence to include while making a commitment, subject to your agreement, to provide the remaining evidence should a formal investigation require it.

Again, as the respondent's dean is likely to be similarly inexperienced, your dean may be able to expedite matters by suggesting that the other dean investigate local processes for dealing with complaints of academic misconduct. The most likely outcome is that the respondent's dean will meet with the respondent for some explanation. This meeting may result in some effort by the plagiarist to contact you directly either by telephone or electronic mail. Avoid any such discussion or interaction for the reasons mentioned previously.

Depending on the inclinations of the respondent's dean, hard information as to progress may be difficult to come by. If the respondent's dean lodges a formal complaint of academic misconduct, action on the case may take months.

5. NOTIFY THE EDITORS

Increase the pressure on the plagiarist by notifying the editors of the publications involved and requesting redress. Submit your evidence and urge the editors to seek an explanation from the alleged plagiarist. Indicate what restorative measures will satisfy you.

Your next objective is to engage the editors of the appropriate journals or conference proceedings in your campaign for redress. Include both the editor of the publication in which your article appeared and the publication in which the plagiarism appeared. (We acknowledge the more difficult challenge you may face in the event that your manuscript was never accepted for publication but later saw print under someone else's authorship.) The editors may need to be sensitized to the negative appearance of being involved in a plagiarism case, possible copyright transgressions, and your desire for a remedy in the form of a public correction of original authorship and removal of the offending article. In general, as with deans, assume the editors will have little idea as to how to handle your case (though editors are more likely than deans to have dealt with plagiarism). Editors of journals associated with the Association for Information Systems will use the [AIS Research Conduct Committee Process Guidelines](#)¹, in dealing with such complaints. The reader is urged to review this process to understand the challenge from the perspective of the editor.

As in a meeting with your dean, submit a formal letter to the editors providing evidence of both the plagiarism and your original authorship. And as with the letter to your dean, make no specific allegations. Rather, describe as carefully as you can the various similarities between the two articles and the most convincing evidence that you are the original author. Provide documentation as required to make your case most effectively. Then suggest that the editors contact the author of the offending piece and the author's dean for an explanation of the similarities and for evidence of original authorship. Suggest also that the editors remind the respondent that legal penalties for copyright infringement may flow from such cases and that to avoid costly litigation as well, a swift resolution of the issue may be best for all parties concerned. Indicate what actions you would like the editors to undertake by way of personal remedy. For an electronic journal, a remedy would likely include removal of the entire offending article from the archive with an authorship correction to appear in its place along with a link to your original article; for a hardcopy journal, an announcement regarding the plagiarism and your original authorship and discontinuance of reprints of the offending article. Last, request that you be kept regularly informed as to how your complaint is being dealt with.

When an instance of plagiarism lags the publication of the original piece by several years, both the plagiarist's source and the original authorship may be easily established. But if both pieces appear within months of each other, or your piece has yet to be published or even accepted for publication, you may be particularly interested in knowing how the plagiarist gained access to your manuscript. One possibility is that your manuscript may have come into the hands of the plagiarist while the plagiarist served as a reviewer for any of the publications to which you submitted your work. Though you should not expect the editors to divulge the names of the reviewers, you could nonetheless request that they check as to whether or not the other author did in fact serve as a reviewer of your paper. While you may get no immediate response, should the editors discover that the other party reviewed the paper, they may find your case somewhat more compelling! More important, however, they may decide to inform the respondent and the respondent's dean that the editors are aware that the respondent had access to the original manuscript as a reviewer. You should also sensitize the editors to the importance of moving on your complaint with dispatch as a means of reassuring the scholarly community that plagiarism will not be tolerated among the ranks of the reviewers for their journal.

¹ These guidelines are included as the Appendix of "Introduction to the AIS Code of Research Conduct" [Davison, Munro, and Straub, 2004].

Note that you are under no obligation to inform the editors that you also initiated an inquiry through your dean. In fact doing so might result in the journal editors choosing to await an outcome from the respondent's academic institution. Instead, your goal is that all editors involved make contact with both the plagiarizer and the dean to increase the pressure to resolve the case either through an admission of guilt or through a formal investigation at the respondent's institution.

6. BE PATIENT!

If circumstances favor you, the case may be resolved quickly, which is not an uncommon outcome. But if the plagiarist denies guilt or the evidence is unclear or disputable, a resolution may take time, if it occurs at all. Academic institutions, for a variety of reasons, are often less than forthcoming with decisions relating to academic personnel. You may need to be patient!

Depending on how the plagiarist and other actors in the piece behave, your complaint may be resolved within weeks or may take many months. If the plagiarist somehow acted innocently, suffers from some serious personal problems, used uncharacteristically bad judgment under pressure, or simply loses the nerve to mount a defense, the situation may be wrapped up quickly. This outcome is not an uncommon occurrence considering the difficulty of establishing a falsehood if hard evidence exists regarding the truth. However, if the plagiarist chooses instead to deny having plagiarized and opts to be subjected to some kind of formal inquiry, a resolution may take months. Furthermore, if the case is complicated, the inquiry may never produce a resolution to your satisfaction. However, your work is done, aside from perhaps being required to provide additional documentary evidence.

REFERENCES

EDITOR'S NOTE: The following reference list contains the address of World Wide Web pages. Readers who have the ability to access the Web directly from their computer or are reading the paper on the Web, can gain direct access to these references. Readers are warned, however, that

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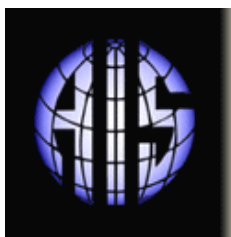
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